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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,660	07/28/2003	Ramabadran S. Raghavan	LUCW:0003	4409

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EXAMINER

AJIBADE AKONAI, OLUMIDE

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/628,660	RAGHAVAN ET AL.	
	Examiner	Art Unit	
	Olumide T. Ajibade-Akonai	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4, 5, 8, 9, 10, 11, 17-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al (20030211859)** in view of **Hata et al 20020098845 (hereinafter Hata)**.

Regarding **claim 1**, Chen et al discloses a transceiver unit (base station 204, with transmit unit 268 and receive unit 254, see fig. 2, p. 2 [0025], p. 3, [0026]) for use with a wireless communication system (group communication system 100, see fig. 1, p. 2, [0017]), the transceiver unit comprising: an antenna configured to receive a wireless transmission (antenna 250, see fig. 2, p.2, [0025]) from a mobile device (group communication devices 104, see fig. 1, p.2, [0018]) a communication interface (base station controller, BSC 110, see fig. 1, p. 2, [0019]) to facilitate communication between the transceiver and an access network unit (group call server performs call initiations and interacts with the communication devices, see p. 2, [0019], p. 3, [0029]) over an undedicated public network (IP protocol network 108, see p. 2, [0019]).

Chen fails to disclose wherein the communication between the transceiver unit and the access network unit is independent of a dedicated network.

In the same field of endeavor, Hata discloses wherein the communication between the transceiver unit (wireless bases station 104, see fig. 1, p.3, [0040]) and the access network unit (server 102, see fig. 1, p.3, [0040]) is independent of a dedicated network (mobile terminal 101 is coupled to server 102 via the wireless base station 104 and the internet, see fig. 1, p.3, [0040]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Hata into the system of Chen for the benefit of providing a means for a mobile device to exchange data with a server.

Regarding **claim 2**, as applied to claim 1, Chen et al further discloses wherein the communication interface (base station controller, BSC 110, see fig. 1, p. 2, [0019]) comprises at least one protocol layer (BSC issues an internet group management protocol, IGMP to disconnect a multicast tree see p. 5-6, [0055]).

Regarding **claim 3**, as applied to claim 2, Chen et al further discloses wherein the at least one protocol layer maintains an IP address of the access network (the BSC binds each communicating device with the multicast IP-multicast address of a particular group call server).

Regarding **claim 4**, as applied to claim 2, Chen et al further discloses wherein the at least one protocol layer (transmitter data processor 264, see p. 2, [0026]) converts information (voice and/or packet data, see p. 2, [0026]) received from the

Art Unit: 2617

access network unit (data source 262, see p. 2, [0026]) over the public network to RF signals (transmitter unit 268 converts voice and/or packet data to analog signals, see p. 3, [0026]) to be communicated by the transceiver over an air interface (voice and/or data is exchanged between base station 204 and mobile station 206 over via an air interface, see p. 2, [0022]).

Regarding **claim 5**, as applied to claim 2, Chen et al further discloses wherein at least one protocol layer converts RF signals (communication devices have IP connectivity with GCS 102, reverse link signal sent from mobile station 206 to base station 204, and base station receive data processor 58 recovers the voice/packet data, and the BSC sends media 622 received from a callers communication device to group call server, see p. 2, [0019], [0023]-[0025], p. 5, [0048]) received by the transceiver (base station 204, see fig. 2, p. 2, [0025]) over an air interface (air interface 208, see fig. 2, p. 2, [0022]) to information suitable for transmission over the public network (IP network 108, see fig. 1, p. 2, [0019]) to the access network controller (group call server 102, see fig. 1, p. 2, [0019]).

Regarding **claim 8**, as applied to claim 2, Chen et al further discloses wherein the at least one protocol layer (user datagram protocol, UDP see p. 2, [0020]) encapsulates higher protocol layer information (real-time protocol, RTP, see p. 2, [0020]) to facilitate protocol requirements over the public network.

Regarding **claim 9**, as applied to claim 2, Chen et al further discloses

Art Unit: 2617

wherein at least one protocol layer comprises at least one technology dependent protocol layer (BSC issues an internet group management protocol, IGMP to disconnect a multicast tree see p. 5-6, [0055]).

Regarding **claim 10** as applied to claim 1, Chen et al further discloses wherein the public network comprises the internet (IP network 108, see fig. 1, p. 1, [0019]).

Regarding **claim 11**, as applied to claim 1, Chen et al further discloses wherein the transceiver unit comprising at least one antenna (antenna 250, see fig. 2, p. 2, [0025]) to facilitate communications between the receiver unit (base station 204, see fig. 2, p. 2, [0024]) and at least one portable communications device (mobile station 206, see fig. 2, p. 2, [0023]) over an air interface (mobile station 206 communicating with base station 204 over an air interface, see p. 2, [0022]).

Regarding **claim 17**, Chen et al further teaches a tangible medium (general purpose processor, DSP, ASIC, FPGA or programmable logic device, see p. 6, [0059]) having a software program (logic block, modules, and algorithm steps described can be implemented as computer software) for use in a wireless communication system (group communication system 100, see p. 2, [0017]), the software program comprising: at least one routine for facilitating communication of information (call set-up process, see fig. 6, p. 4, [0039]) over an undedicated public network (IP network 108, see fig. 1, p. 2, [0019]) between at least one base station (base station 204 with a transceiver and receiver unit, see fig. 2, p. 2, [0025]), which is adapted to communicate over an air interface with portable communications devices (voice and/or data is exchanged

Art Unit: 2617

between base station 204 and mobile station 206 over via an air interface, see p. 2, [0022]), and a controller (base station controller, BSC 110, see fig. 1, p. 2, [0019]), which is adapted to process information communicated with the as least one base station, wherein the controller is located between the base station and a service network (mobile station 206 with transmit and receive unit, and call set-up process in which mobile station communication device sends a group call request 604 to group call server in order to set up a group call, see figs. 1, 2 and 6, p. 2, [0019], [0023], p. 4, [0039]).

Chen fails to disclose wherein the software program comprises at least one routine for facilitating communication of information over an undedicated public network.

In the same field of endeavor, Hata discloses wherein the software program comprises at least one routine for facilitating communication of information over an undedicated public network (mobile terminal 101 is coupled to server 102 via the wireless base station 104 and the internet, see fig. 1, p.3, [0040]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Hata into the system of Chen for the benefit of providing a means for a mobile device to exchange data with a server.

Regarding **claim 18**, as applied to claim 17, Chen et al further discloses wherein the at least one routine facilitates communication information over the internet

(communication devices 104 may have IP connectivity to group call server 102 through the IP network 108, see fig. 1, p. 2, [0019]).

Regarding **claim 19**, as applied to claim 17, Chen et al further discloses wherein the at least one routine comprises at least one protocol layer (session initiation protocol, SIP, see p. 2, [0020]) adapted to facilitate communication over the public network (communication devices 104 perform registration with group call server 108 using session initiation protocol, SIP, see p. 2, [0020]).

Regarding **claim 20**, Chen et al discloses a method of producing an information packet in a wireless communication system, the method comprising the acts of: receiving information from a transceiver unit via an air interface (mobile station 206 communicating with base station 204 over an air interface, see p. 2, [0022]); processing the information to form an information packet (base station demodulator 256 processes received signal and processor 258 decodes the symbols to recover the data and messages, see fig. 2, p. 2, [0025]) suitable for transmission to an access network via an undedicated public network (BSC sends media 622 that it has received from communication device to group call server, see fig. 6, p. 5, [0048]).

Chen fails to disclose transmitting the information packet to a controller independent of a dedicated connection.

In the same field of endeavor, Hata discloses transmitting the information packet to the access network unit (server 102, see fig. 1, p.3, [0040]) independent of a dedicated connection (mobile terminal 101 transmitting a shop number to a server via the wireless base station and the internet, see fig. 4, p.4, [0047]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Hata into the system of Chen for the benefit of providing a means for a mobile device to exchange data with a server.

Regarding **claim 21**, as applied to claim 20, Chen et al further discloses wherein the public network comprises the Internet (IP protocol network 108, see p. 2, [0019]).

Regarding **claim 24**, as applied to claim 20, Chen et al further discloses wherein transmitting the information packet to the access network unit comprises transmitting the information packet to a base station controller (see fig. 1, p.2, [0019]).

Regarding **claim 25**, Chen further discloses wherein transmitting the information packet comprises transmitting the information packet using one or more Tu-Txrs protocol layers (BSC issues an internet group management protocol, IGMP to disconnect a multicast tree see p. 5-6, [0055]).

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al (20030211859)** in view of **Hata et al 20020098845 (hereinafter Hata)** as applied to claim 2 above, and further in view of **Kowalski et al (6,631,410)**.

Regarding **claim 6**, as applied to claim 2, Chen et al, as modified by Hata discloses the claimed invention except wherein the at least one protocol layer provides security information to the network access unit to facilitate secure communication over the public network.

In the same field of endeavor, Kowalski et al teaches wherein the at least

Art Unit: 2617

one protocol layer (a protocol that employs the MAC layer, see col. 5, lines 41-45) provides security information the network access unit (see col. 5, lines 5-15) to facilitate secure communication over the public network (security, see col. 5, lines 41-45).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kowalski et al into the system of Chen et al and Hata for the benefit of providing secure multimedia content to a network.

Regarding **claim 7**, as applied to claim 2, Chen et al, as modified by Hata discloses the claimed invention except wherein the at least one protocol layer negotiates quality of service for communications with the access network over the public network.

In the same field of endeavor Kowalski discloses wherein the at least one protocol layer (a protocol that employs the MAC layer, see col. 5, lines 41-45) negotiates quality of service for communications (QoS, see col. 5, lines 41-45) with the access network unit (see col. 5, lines 5-15) over the public network (see col. 5, lines 5-15, 41-45).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kowalski et al into the system of Chen et al and Hata for the benefit providing reliable broadcast applications to small office/home networks.

5. Claims 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al (20030211859)** in view of **Hata et al 20020098845**

(hereinafter Hata) as applied to claim 1 above, and further in view of Eilers et al *"Reradiation (Echo) Analysis of a Tapered Tower Section Supporting a Side-Mounted DTV Broadcast Antenna and Corresponding Azimuth Pattern"*.

Regarding **claim 12**, as applied to claim 11, Chen et al, as modified by Hata discloses the claimed invention except the transceiver unit comprising a structure on which the at least one antenna resides.

In the same field of endeavor, Eilers et al discloses the transceiver unit comprising a structure on which the at least one antenna resides (side-mounted antenna on a tower, see fig. 1, p. 249, paragraphs 2-3).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Eilers et al into the system of Chen and Hata for the benefit of determining the azimuth pattern.

Regarding **claim 13**, as applied to claim 12, the combination of Chen et al, Hata and Eilers et al disclose the claimed invention (see claim 12).

Chen et al and Hata fail to disclose wherein the structure comprises a tower.

Eilers et al discloses wherein the structure comprises a tower resides (side-mounted antenna on a tower, see fig. 1, p. 249, paragraphs 2-3).

It would therefore have been obvious to one of ordinary skill in the art to further modify the combination of Chen, Hata and Eilers by including wherein the structure comprises a tower for the benefit of determining the azimuth pattern.

Regarding **claim 14**, as applied to claim 12, the combination of Chen et al, Hata and Eilers et al disclose the claimed invention.

Chen et al fails to disclose wherein the structure comprises a building.

Eilers et al discloses wherein the structure comprises a tower resides (side-mounted antenna on a tower, see fig. 1, p. 249, paragraphs 2-3).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Chen, Hata and Eilers et al by including wherein the structure comprises a building for the benefit of determining the azimuth pattern.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al (20030211859)** in view of **Hata et al 20020098845 (hereinafter Hata)** as applied to claim 1 above, and further in view of **Ketonen (6,104,917)**.

Regarding **claim 15**, as applied to claim 1, Chen et al, as modified by Hata discloses the claimed invention except wherein the transceiver comprising a structure for housing the communication interface.

In the same field of endeavor, Ketonen discloses wherein the transceiver comprising a structure for housing the communication interface (base station transceiver circuitry are housed within a cabinet, see col. 3, lines 13-15).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Ketonen into the system of Chen and Hata for the benefit of maintaining the temperature level of the radio circuitry.

Regarding **claim 16**, as applied to claim 15, the combination of Chen et al, Hata and Ketonen disclose the claimed invention.

Chen et al fails to disclose wherein the structure comprises a cabinet.

Art Unit: 2617

Ketonen discloses wherein the structure comprises a cabinet (base station transceiver circuitry are housed within a cabinet, see col. 3, lines 13-15).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Ketonen, Chen et al and Hata by including wherein the structure comprises a cabinet for the benefit of maintaining the temperature level of the radio circuitry.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al (20030211859)** in view of **Hata et al 20020098845 (hereinafter Hata)** as applied to claim 2 above, and further in view of **Onweller et al (6,931,102)**.

Regarding **claim 22**, as applied to claim 1, Chen et al, as modified by Hata discloses the claimed invention except wherein the transceiver is assigned an IP address to facilitate communications with the access network unit over the undedicated public network.

In the same field of endeavor, Onweller et al teaches wherein the transceiver (transceiver 66, see fig. 2, col. 7, line 36) is assigned an IP address (Unix server 80 assigns an IP address to transceiver 66, see col. 7, lines 36-37) to facilitate communications with the access network unit (hub 60, see fig. 2, col. 7, lines 1-6) over the undedicated public network (IP network 34, see fig. 2, col. 7, lines 1-7, 36-48).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Onweller et al into the system of Chen et al and Hata for the benefit of providing communication between a wireless local area network and a central office.

Response to Arguments

8. Applicant's arguments filed 27 November 2006 have been fully considered but they are not persuasive. Regarding claims 1 and 17, Applicant asserts that the cited references fail to disclose the recited features. The Examiner respectfully disagrees. Chen discloses as stated in the rejection of claim 1 a base station 204, with transmit unit 268 and receive unit 254, which broadly reads on the claimed feature of a transceiver unit comprising an antenna (see fig. 2, p. 2 [0025], p. 3, [0026]). Chen also discloses a the plurality of communication devices interacting with a group call server thru a base station controller over an IP network 108, controller, see p. 2, [0018]-[0019], [0025], p. 3, [0029]), broadly reading on the claimed limitation of "a communication interface to facilitate communication between the transceiver and an access network unit over an undedicated public network". The group call server 102 broadly reads on the claimed limitation "access network unit" or "controller". Hata discloses a transceiver unit (wireless bases station 104, see fig. 1, p.3, [0040]) communicating with an access network unit (the server 102 broadly meets the description of "access network unit", see fig. 1, p.3, [0040]) over an undedicated public network (Internet, see fig. 1, p.3, [0040]), broadly meeting the claimed limitation of "a communication interface to facilitate communication between the transceiver and an access network unit over an undedicated public network wherein the communication between the transceiver unit and the access network unit is independent of a dedicated network. In response to applicant's argument that the references fail to show certain features of applicant's

Art Unit: 2617

invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 17 fails to recite the limitation of the controller being responsible for controlling the transceiver unit. Regarding claim 20, Chen discloses a mobile station 206 communicating with base station 204 over an air interface, broadly meeting the claimed feature of "receiving information from a transceiver unit via an air interface". The information that is received by the base station 204 is processed and decoded in order to recover the data, broadly reading on the claimed feature "processing the information to form an information packet". The information/data is then sent through the base station controller and IP network 108 to a group call server, broadly meeting the claimed method of "processing the information to form an information packet suitable for transmission to an access network via an undedicated public network". Chen thus discloses the claimed subject matter of independent claim 20. In response to Applicant's argument that there is no suggestion to combine or modify the references, the examiner recognizes that the references cannot be arbitrarily combined and that there must be some reasons why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In *re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining the references is what is what the combination of the disclosures taken as a whole would suggest to one of ordinary skill in the art. In *re McLaughlin*, 170

Art Unit: 2617

USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case, Hata is used to teach wherein the communication between a transceiver unit and a access network unit (server 102) is independent of a dedicated network. Therefore the purpose of combining the teaching of Hata into the system of Chen is to provide a means of exchanging data between a mobile device and a server unit. Claims 1, 17 and 20 thus stand rejected as the applied references provide adequate support. Claims 2-16, 18, 19, 21, 22, 24 and 25 are rejected based on their being dependent on claims 1, 17 and 20.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto (20020038353) discloses a weather information delivery system and method thereof.

Bender et al (20020052204) discloses a method and apparatus for rapid assignment of a traffic channel in digital cellular communication systems.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2617

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA
DA

JEAN GELIN
PRIMARY EXAMINER

